

## REMARKS

### **Request for Reconsideration, Informal Matters, Claims Pending**

The application stands subject to a non-final Office Action mailed on 9 March 2009. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Claims 13-18 and 31-32 have been canceled. The rejections under 35 USC 101 and 35 USC 112 are therefore moot.

Claims 1-12 and Claim 19-30 are pending.

### **Arguments re: Fette**

#### **Rejection Summary**

Claims 1, 5, 10 and 12 stand rejected under 35 USC 102(b) for anticipation by U.S. Patent No. 6,052,600 (Fette).

#### **Discussion of Claim 1**

Regarding Claim 1, Fette fails to disclose

... method in a multi-mode wireless communications device capable of operating in CDMA and GSM communications modes, the method comprising:

operating the multi-mode wireless communications device in CDMA communications mode;

while operating in CDMA communications mode, generating an origination message including information indicating an ability of the

multi-mode wireless communications device to operate in GSM communications mode.

Fette discloses a software programmable radio device including a controller that configures a configurable resource of the device based on information received by the device. The various passages of Fette referenced by the Examiner nevertheless fail to support a prima facie case of anticipation. At col. 2, lines 46-60, Fette describes a software defined radio that communicates different waveforms, receives software updates, and that operates with various communications equipment. At col. 5, lines 5-13, Fette describes independently reconfigurable resources that may be configured for CDMA or GSM modes of operation. At col. 6, lines 3-24, Fette describes a software defined radio that is configurable for different waveforms provided that a software license is valid. At col. 7, lines 42-49, Fette describes a software defined radio that requests configuration information from a server. At col. 8, lines 15-20, Fette describes software defined radio that receives a program and a license for implementing a waveform on the device. At col. 8, lines 54-59, Fette describes a process for validate information received to configure the radio device; Fette also describes configuring the device to operate in CDMA mode in the US and in GSM mode in Europe. Contrary to the Examiner's suggestion, Fette fails to disclose "...while operating in CDMA communications mode, generating an origination message including information indicating an ability of the multi-mode wireless communications device to operate in GSM communications mode." Claim 1 is thus patentably distinguished over Fette.

Discussion of Claim 10

Claim 10 was amended to clarify that the message is either an origination message or a page response message. Fette fails to disclose

... method in a multi-mode wireless communications device capable of operating in first and second communications modes in corresponding first and second networks, the method comprising:  
operating the multi-mode wireless communications device in the first mode communications mode on the first network;  
while operating in the first communications mode, generating a message including information indicating an ability of the multi-mode wireless communications device to operate in a second communications mode on the second network,  
the message is either an origination message or a page response message.

Fette discloses a software programmable radio device including a controller that configures a configurable resource of the device based on information received by the device. The various passages of Fette referenced by the Examiner nevertheless fail to support a prima facie case of anticipation. At col. 2, lines 46-60, Fette describes a software defined radio that communicates different waveforms, receives software updates, and that operates with various communications equipment. At col. 5, lines 5-13, Fette describes independently reconfigurable resources that may be configured for CDMA or GSM modes of operation. At col. 6, lines 3-24, Fette describes a software defined radio that is configurable for different waveforms provided that a software license is valid. At col. 7, lines 42-49, Fette describes a software defined radio that requests configuration information from a server. At col. 8, lines 15-20, Fette describes software defined radio that receives a program and a license for implementing a waveform on the device. At col. 8, lines 54-59, Fette describes a process for validate information received to configure the

radio device; Fette also describes configuring the device to operate in CDMA mode in the US and in GSM mode in Europe. Contrary to the Examiner's suggestion, Fette fails to disclose "... while operating in the first communications mode, generating a message including information indicating an ability of the multi-mode wireless communications device to operate in a second communications mode on the second network." Claim 10 is thus patentably distinguished over Fette.

### **Arguments re: Karabinis**

#### **Rejection Summary**

Claims 19, 21 and 23-27 stand rejected under 35 USC 102(e) for anticipation by U.S. Publication No. 2005/0079816 (Karabinis).

#### **Discussion of Claim 19**

Regarding Claim 19, Karabinis fails to disclose a

... method in a CDMA communications network, the method comprising:  
generating a channel assignment message;  
providing GSM channel assignment information in the channel assignment message;  
transmitting the channel assignment message from a network infrastructure entity to a wireless communication device operating in the CMDA communications network.

Karabinis discloses terrestrial and space based cellular communications systems with frequency reuse. The various passages of Fette referenced by the Examiner nevertheless fail to support a prima facie case of anticipation. At paragraph [0081], Karabinis discloses a network operations controller (NOC) for managing frequency reuse of the space and terrestrial systems. At paragraph [0226], Karabinis describes a flow diagram for the assignment and re-use of frequency resources. At paragraph [0259], Karabinis discloses providing subscriber terminal signal strength measurements to a BSC or MSC; Karabinis also describes the process for initiating a call setup on a GSM network. At paragraph [0260], Karabinis discloses using a satellite channel on a terrestrial network if the satellite channel is available. Karabinis fails to disclose "... providing GSM channel assignment information in the channel assignment message; transmitting the channel assignment message from a network infrastructure entity to a wireless communication device operating in the CMDA communications network." Claim 19 is thus patentable distinguished over Karabinis.

#### Discussion of Claim 25

Regarding Claim 25, Karabinis fails to disclose a

... method for network resource allocation in a first communications network, the method comprising:  
receiving a message from a multimode mobile station;  
generating a channel assignment message for the multimode mobile station operating in a first communications mode on the first network in response to the message;  
assigning the multimode mobile station to a second network in the channel assignment message;

transmitting the channel assignment message to the multimode mobile station.

Karabinis discloses terrestrial and space based cellular communications systems with frequency reuse. The various passages of Fette referenced by the Examiner nevertheless fail to support a prima facie case of anticipation. At paragraph [0081], Karabinis discloses a network operations controller (NOC) for managing frequency reuse of the space and terrestrial systems. At paragraph [0226], Karabinis describes a flow diagram for the assignment and re-use of frequency resources. At paragraph [0259], Karabinis discloses providing subscriber terminal signal strength measurements to a BSC or MSC; Karabinis also describes the process for initiating a call setup on a GSM network. At paragraph [0260], Karabinis discloses using a satellite channel on a terrestrial network if the satellite channel is available. Karabinis fails to disclose "...generating a channel assignment message for the multimode mobile station operating in a first communications mode on the first network in response to the message; assigning the multimode mobile station to a second network in the channel assignment message." Claim 25 is thus patentable distinguished over Karabinis.

### **Arguments re: Karabinis & Fette**

#### **Rejection Summary**

Claims 13-18 and 28-32 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2005/0079816 (Karabinis) in view of U.S. Patent No. 6,052,600 (Fette).

Discussion of Claim 28

Regarding Claim 28, Karabinis and Fette fail to suggest a

... method in a multimode communications device, the method comprising:  
receiving a channel assignment message while operating in a first mode pursuant to a first communications protocol,  
the channel assignment message including channel assignment information for a mode of operation pursuant to a second communications protocol;  
transitioning to one of an access grant channel or a dedicated channel based on the channel assignment information for the different mode of operation.

The Examiner concedes that Karabinis fails to disclose including channel assignment information for a mode of operation pursuant to a second communications protocol. However, the Examiner's reliance on Fette to satisfy the deficiency of Karabinis is erroneous. At col. 6, lines 3-24, Fette describes a software defined radio that is configurable for different waveforms provided that a software license is valid. At col. 7, lines 42-49, Fette describes a software defined radio that requests configuration information from a server. At col. 8, lines 15-20, Fette describes software defined radio that receives a program and a license for implementing a waveform on the device. At col. 8, lines 54-59, Fette describes a process for validate information received to configure the radio device; Fette also describes configuring the device to operate in CDMA mode in the US and in GSM mode in Europe. Fette fails to disclose "...receiving a channel assignment message while operating in a first mode pursuant to a first communications protocol, the channel assignment message including channel assignment information for a

mode of operation pursuant to a second communications protocol; transitioning to one of an access grant channel or a dedicated channel based on the channel assignment information for the different mode of operation." Fette discloses a server that reconfigures the mode of operation of a software defined radio device in response to a request from the device. Claim 28 is thus patentably distinguished over Karabinis and Fette.

**Prayer For Relief**

In view of any amendments and the discussion above, the present application is in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

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ROLAND K. BOWLER II 29 MAY 2009  
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